

**Manistee City Planning Commission
City Hall
70 Maple Street
Manistee, Michigan**

WORKSESSION NOTES

October 16, 2003

MEMBERS PRESENT: Bob Davis, Greg Ferguson, Ray Fortier, David Kelley, Phil Picardat, and Tony Slawinski

MEMBERS ABSENT: Joyce Jeruzal, John Serocki and Roger Yoder

OTHERS : Jeff Seng (Seng's Marina), Bob Hardenburgh (Little River Band of Ottawa Indians), Alan Marshall (City Council), Mitch Deisch (City Manager), Jim Tondou (Tondou), Jon Rose (Community Development), and Denise Blakeslee (Administrative Assistant) and others

Worksession began at 7:03 p.m.

PUBLIC PARTICIPATION:

Jeff Seng, Seng's Marina asked the members of the Planning Commission about a change in the slips/docks at his marina on Lake Street. Mr. Seng asked the members of the Planning Commission for their consensus.

Section 8613. Amendment of Special Use Permits of the Zoning Ordinance reads:

"Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit Application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the city and applicant, if done prior to the issuance of an occupancy permit."

Mr. Seng asked the Planning Commission if they consider the modifications at the marina as a "minor non-substantive change" or they would require a public hearing to amend the Special Use Permit.

Consensus of the members in attendance was a minor non-substantive change and Mr. Seng will ask the Planning Commission for a motion at their meeting in November.

Bob Hardenburgh, Director of Natural Resources - Little River Band of Ottawa Indians. Mr. Hardenburgh submitted a copy of Resolution #03-1015-351 *Expressing Opposition to Construction of the Northern Lights Project*. Mr. Hardenburgh said that the tribe will be writing strict air and water quality language in regards to Tondou's request. The Little River Band of Ottawa Indians are looking at a tract of property for wind generated power. The tribe feels that power is important but want to see a clean method used and eliminate any future Brownfield sites.

Bob Davis asked if the Tribe has done any surveys or had any statistics on the negative impacts of Wind

Generated Power? Mr. Hardenburgh said they had not.

Alan Marshall asked if they had any statistics on the number of windmills it would take to generate the same amount of power as the proposed power plant? Mr. Hardenburgh said they did not have that information at this time.

Mr. Hardenburgh said that the tribe will apprise the City when information is available.

UNFINISHED BUSINESS:

Manistee Saltworks Development - Power Plant (Tondou)

Jim Tondou continued the discussion on the proposed power plant. Questions were asked regarding staffing, decibel (noise), lighting capacity of retaining ponds, Ash/Chemical composites. Mr. Tondou will bring statistical information back to the Planning Commission regarding this information.

The members of the Planning Commission asked if they could tour the General Chemical Site to get a better idea on how the project will be laid out and tour the T.E.S. Station in Filer for some idea about the operation of a power plant. Tours were scheduled for 5:30 p.m. on Thursday, October 23, 2003. A Dial-A-Ride bus will be scheduled to take the members to the sites.

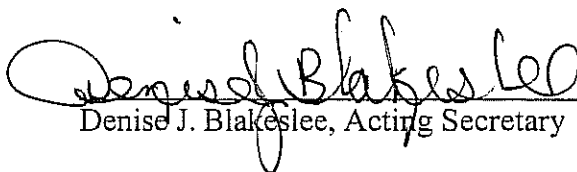
Greg Ferguson asked if a consultant could be hired to assist the Planning Commission with this project. Mitch Deisch said that the City would pay for a consultant to assist the Planning Commission. Mr. Rose will contact Jay Kilpatrick, Williams and Works to see if he would assist the Planning Commission with this project and also speak with Brian Sousa, City Engineer for his assistance.

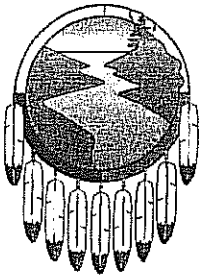
NEW BUSINESS AND COMMUNICATIONS:

An ethics training has been scheduled through MSU Extension for Wednesday, November 19, 2003 at the Manistee Township Hall.

The worksession adjourned at 8:53 p.m.

MANISTEE CITY PLANNING COMMISSION


Denise J. Blakeslee, Acting Secretary



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 03-1015-351

Expressing Opposition to Construction of the Northern Lights Project

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.); and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council has determined that federal laws support Tribal government's sovereign authority to legislate strict air and water quality standards that exceed state and federal standards in order to protect the natural resources of the Tribe for the benefit of the Tribe and its members; and

WHEREAS, the Tribal Council has been notified of the development of the Northern Lights Project by the Tondu Corporation on the current sight of the General Chemical Plant which is located off Manistee Lake; and

WHEREAS, the Tribal Council has received reports from the Conservation Department which identifies the rehabilitation of the Sturgeon species into Manistee River and ultimately Manistee Lake in recent years; and

WHEREAS, the Tribal Council has approved actions, and received federal grant funds, to re-introduce wild rice plants into Manistee Lake which plantings are taking root and improving; and

WHEREAS, the Tribal Council has approved actions, and received federal grant funds, to monitor the fish and amphibian populations and plant life in the Manistee River and Lake; and

WHEREAS, the Little River Band of Ottawa Indians has an interest in maintaining and improving plant, fish, and wildlife populations within the Tribe's Reservation and Ceded Territories and has worked cooperatively with local governments in order to promote this interest, developed a Conservation Department with the necessary technical expertise to promote this interest, and created a Natural Resource Commission to monitor and report to the Tribal Council regarding these interests; and


WHEREAS, the Tribal Council believes that changes to the waste discharge into Manistee Lake and River systems will detrimentally affect the rehabilitated Sturgeon population and re-introduced plant life;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts this resolution opposing the issuance of a Special Use Permit by the City of Manistee, Air Quality Permits by state and/or federal agencies, and other permits that would allow construction of the proposed Northern Lights Project.

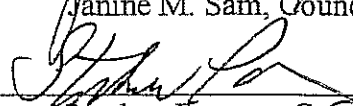
IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs the Conservation Department to develop the necessary technical papers which would identify the effects of this proposed project on the Manistee Lake and River systems.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 17 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at an Open Session of the Little River Band of Ottawa Indians Tribal Council held on October 15, 2003, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
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Legal Department

